

**REMARKS**

Claims 1-10 are rejected. Claims 1, 3, 5, 7, 9 and 10 are herein canceled. Claims 2, 4, 6 and 8 are herein amended. New claims 11-16 have been added for clarification and for substituting the cancelled claims. Claims 2, 4, 6, 8, and 11-16 are now all the claims pending in the application and under reconsideration. No new matter is believed to have been entered through the various claim amendments and new claims. Further, upon belief, it is respectfully submitted that the present paper is fully responsive to the outstanding Office Action. No new matter being present, an approval and entry are respectfully requested.

**Claim Rejections under 37 CFR §102**

**Claims 1, 2 and 9 were rejected under 37 CFR §102(e) as being anticipated by Woodall (US 2003/0081556 A1).**

The rejection is respectfully traversed.

Claims 1 and 9 were substituted by new claims 11 and 15, respectively.

It is respectfully submitted that the cited art fails to recite at least the recitation of claim 11 of, “a management device connected to the network to manage device information of the server and storage.” Further, the cited art fails to teach at least the recitation of claim 15 of, “wherein the management device is connected to the network to manage device information of the server and storage, and receives notification of a fault device from the server and storage.”

In spite of the Examiner's assertion, there is no management device connected to the network to manage device information of the server and storage as recited in the new claims 11 and 15, in the system taught by Woodall.

Woodall indicates "Fault reporting and detection logic is implemented in each switch and in each network interface card. In addition, multiple fault reporting pathways are provided for each switch and each network interface card. As a result, utilizing message exchanges such as Fibre Channel exchange messages, the switch, the network interface cards and the processors (host) are able to autonomously generate and report faults to the network manager. The combined fault reporting enables the network manager to more accurately isolate faults." (lines 4 to 13 in ABSTRACT).

Namely, Woodall teaches combined fault reporting to the network manager.

However, Woodall fails to teach at least as recited in at least claim 11 of the present application, "the management device records transmission paths, through which the server accesses data stored in the storage, correspondingly to devices, which are included in the transmission paths, and when a fault device is notified to the management device by the function of notifying, if the notified fault device corresponds to a device included in any one of the transmission paths recorded by the management device, the management device determines the one of the transmission paths unavailable, and causes the server to stop using the unavailable transmission path".(Underline added).

Further, claim 2 which depends from independent claim 11 is allowable for at least the reason of its dependency therefrom. Separate and individual consideration of the dependent claim is respectfully requested.

For at least the forgoing reasons, it is respectfully submitted that the cited reference, Woodall fails to anticipate the currently claimed invention.

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

#### **Rejections under 35USC§103**

**Claims 3-8 and 10 were rejected under 35 USC§103(a) as being unpatentable over Woodall in view of Dunning et al.(USP 6,683,850).**

The rejection is respectfully traversed.

Independent claims 3, 5 and 7 and 10 were substituted by new claims 12, 13, 14 and 16

As for claims 12 and 16 (which corresponds to cancelled claim 3 and 10), neither Woodall nor Dunning teach “the management device records transmission paths, through which the server accesses data stored in the storage, correspondingly to devices, which are included in the transmission paths, makes the request to the server and the storage for the device information on a regular basis, judges from the returned device information whether there is any fault device to determine transmission paths which include the fault device as being unavailable, and causes the

server, which accesses through the transmission paths when an application program is executed, to stop using the unavailable transmission paths”.

As for claim 13 (which corresponds to cancelled claim 5), neither Woodall nor Dunning teach “the management device records transmission paths, through which the server accesses data stored in the storage, correspondingly to devices, which are included in the transmission paths, and when the restoration of a fault device is notified to the management device by the function of notifying, if the notified restored device corresponds to a device included in any one of the transmission paths recorded by the management device, the management device determines the one of the transmission paths available, and causes the server to allow using the available transmission path”. (Underline added).

As for claim 14 (which corresponds to cancelled claim 7), neither Woodall nor Dunning teach “the management device records transmission paths, through which the server accesses data stored in the storage, correspondingly to devices, which are included in the transmission paths, makes the request to the server and the storage for the device information on a regular basis, and stores the returned device information, and the management device judges when a fault device is restored and the restored device corresponds to a device included in any one of the transmission paths recorded, the one of the transmission paths as being available, and causes the server, which accesses through the one of transmission paths when an application program is executed, to allow using the available transmission path. (Underline added).

Claims 2, 4, 6, and 8 are respectively dependent on claims 11, 12, 13, and 14, and accordingly, the above remarks should be applicable where appropriate.

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As indicated above, all pending claims 2, 4, 6, 8, and 11-16 patentably distinguish over the prior art.

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

#### Conclusion

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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